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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Caplan et al.

Examiner: Huynh

Serial No.: 10/728,051

Art Unit: 1644

Filing Date: December 4, 2003

Title: MICROBIAL DELIVERY SYSTEM

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

STATEMENT UNDER 37 C.F.R. § 1.57

The present Application as filed incorporated the subject matter of U.S.S.N. 09/141,220 by reference. Applicant submits herewith an Amendment in which the present specification has been amended to include material from U.S.S.N. 09/141,220. Applicant submits that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter.

If, at any time, it appears that a phone discussion would be helpful, the undersigned would greatly appreciate the opportunity to discuss such issues at the Examiner's convenience. The undersigned can be contacted at (617) 248-5175.

Please charge any fees that may be required for the processing of this Statement, or credit any overpayments, to our Deposit Account No. 03-1721.

Respectfully submitted,

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